



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1445 ROSS AVENUE, SUITE 1200

DALLAS, TX 75202-2733

August 14, 2012

Marie Rodriguez
Director, Natural Resources
Valles Caldera Trust
U.S. Department of Agriculture
18161 State Highway 4
P.O. Box 359
Jemez Springs, NM 87025

Dear Ms. Rodriguez :

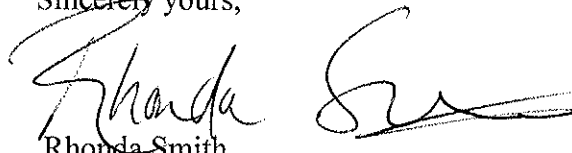
In accordance with our responsibilities under Section 309 of the Clean Air Act, the National Environmental Policy Act (NEPA), and the Council on Environmental Quality Regulations (CEQ) for Implementing NEPA, the U.S. Environmental Protection Agency (EPA) Region 6 office in Dallas, Texas, has completed its review of the Draft Environmental Impact Statement (DEIS) and Public Use and Access Plan for the Valles Caldera National Preserve. The Valles Caldera Trust (VCT) within the U. S. Department of Agriculture (USDA) is the lead Federal agency responsible for NEPA compliance for this proposed action.

EPA rates the DEIS as "EC-2," i.e., EPA has "**Environmental Concerns and Request Additional Information in the FEIS**". The EPA's Rating System Criteria can be found here: <http://www.epa.gov/oecaerth/nepa/comments/ratings.html>. Our enclosed detailed comments are offered to complement and to more fully insure compliance with the requirements of NEPA and the Council on Environmental Quality (CEQ) regulations. EPA's comments are offered on identification of aquatic resources, minimization of impacts, and air quality impacts, environmental justice and tribal consultation. EPA asks that these comments be addressed and responded to in the FEIS.

Our classification will be published on the EPA website, www.epa.gov, according to our responsibility under Section 309 of the Clean Air Act to inform the public of our views on proposed Federal actions. If you have any questions, please contact Mike Jansky of my staff at (214) 665-7451 or by e-mail at jansky.michael@epa.gov for assistance.

EPA appreciates the opportunity to review the DEIS. Please send our office two copies of the FEIS when it is sent to the Office of Federal Activities, EPA (Mail Code 2252A), Ariel Rios Federal Building, 1200 Pennsylvania Ave, N.W., Washington, D.C. 20004. You may now electronically file your EIS using our *e-NEPA Electronic Filing Pilot* by linking to EPA's web site at <http://www.epa.gov/compliance/nepa/submiteis/index.html>.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Rhonda Smith", followed by a long, horizontal, wavy line.

Rhonda Smith
Chief, Office of Planning
and Coordination

Enclosure

**DETAILED COMMENTS
ON THE
UNITED STATES DEPARTMENT OF AGRICULTURE (USDA)
VALLES CALDERA TRUST (VCT)
DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS) AND
DRAFT PUBLIC USE AND ACCESS PLAN
FOR THE PROPOSED
VALLES CALDERA NATIONAL PRESERVE
SANDOVAL AND RIO ARriba COUNTIES, NEW MEXICO**

BACKGROUND

The Valles Caldera Trust (VCT) prepared a Draft Environmental Impact Statement (DEIS) for the proposed Public Access and Use Plan (PAUP) aimed at expanding visitor access to the Valles Caldera National Preserve (preserve) located in Sandoval and Rio Arriba Counties, New Mexico. The plan describes alternatives for the development of facilities and infrastructure on the landscape including sites for a visitor center. The DEIS describes possible effects and environmental impacts each alternative may have on the preserve.

The following comments are offered for your consideration in finalizing the DEIS.

AIR QUALITY

In general, any demolition, construction, rehabilitation, repair, dredging or filling activities have the potential to emit air pollutants. EPA recommends that best management practices are implemented to minimize the impact of any air pollutants. Furthermore, construction and waste disposal activities should be conducted in accordance with applicable local, state and federal statutes and regulations.

EPA encourages the use of clean, lower-emissions equipment and technologies to reduce pollution. EPA's final Highway Diesel and Non-road Diesel Rules mandate the use of lower-sulfur fuels in non-road and marine diesel engines beginning in 2007. To further reduce potential air quality impacts related to construction emissions, the VCT should include a Construction Emissions Mitigation Plan and adopt this plan in the Record of Decision (ROD).

On page 4-180 of the DEIS, the statement is made that, "Overall, no National Ambient Air Quality Standards exceedances and no measurable impacts to nearby Class I areas are expected from increased motor vehicle use within the preserve". We ask that the FEIS verify if this statement is only intended to describe the winter scenario of no shuttle/personal vehicle access beyond the visitor center into the preserve.

Discussion of Alternatives 3B and 4B in the DEIS indicates that development of the Entrada del Valle Visitor Center could result in substantially increased visitation i.e.; almost five times the number of visitors in 2010, and "would represent a measurable regional indirect impact that may influence the amount of greenhouse gases (GHG) and criteria pollutant emissions in the area". The analysis contained in this DEIS characterizes direct/indirect effects of these

alternatives at the programmatic level over the long term to be major, and cumulative effects of these alternatives to be major. The FEIS should provide estimates of the extent of GHG and criteria pollutant emission increases related to these and other alternatives.

WETLANDS

According to the DEIS, the design would use existing or constructed wetlands for wastewater treatment and stormwater storage, thereby reducing capital costs. EPA recommends against using existing (natural) wetlands for directly treating waste and stormwater. Using natural wetlands for treating or receiving direct runoff from stormwater and wastewater can be detrimental to the long term health of the wetland by overwhelming their ability to assimilate pollutants and nutrients.

EPA would support developing constructed wetlands outside of waters of the U.S. and off channel for such purposes. The intercepting constructed wetlands can then be designed to discharge into natural wetlands to provide beneficial hydrology once pollutants (parking lot runoff) are removed by the treatment wetlands.

The FEIS should quantify potential impacts to waters of the U.S. including wetlands. EPA recommends that all efforts to avoid impacts to wetlands be taken and any unavoidable impacts be fully mitigated on-site with the restoration of in-kind resources.

ENVIRONMENTAL JUSTICE AND RECOMMENDATIONS

The DEIS discussion on Environmental Justice is fairly robust and provides a great deal of socio economic data on both minority groups and ethnicity. The one item EPA suggests improving is to provide more comprehensive discussion on existing stressors impacting communities of minority people. A more detailed discussion of the impacts of poverty and how this proposed action could mitigate the level of poverty through additional job creation would be helpful. EPA suggests and believes recruitment and employment of local residents from the poverty communities at the preserve would be beneficial. EPA asks these concerns be addressed and included in the FEIS.

TRIBAL CONSULTATION AND RECOMMENDATIONS

The Consultation and Coordination Chapter of this DEIS mentions public meetings, but it is not clear whether tribal consultation has taken place. EPA asks that the FEIS provide more detail of tribal involvement. This would include copies of letters sent to USDA and copies of response correspondence received from the tribes. EPA recommends that tribes be contacted for input. The DEIS indicates that Pueblo, Navajo, and Ute tribes were present throughout the area's history. The Comanche Nation, Kiowa Tribe, Fort Sill, Mescalero, and Jicarilla Apache Tribe's should be included as potential or future invitees for comment and consultation also.

The DEIS indicates that "increased access" would also create new jobs for tourist guides that would need to be bi-lingual. EPA suggests employment of "Cultural Guides" from the local American Indian population.

Regarding domesticated livestock grazing leases, EPA suggests leasing be limited. Domesticated livestock bring in foreign plant species via hoofs and feces. The DEIS mentions problems with invasive plant species in the area and this could increase this problem.

With regards to having vehicle tours of the preserve, EPA suggests conducting limited vehicle lead tours. We also suggest limited public access roads, trails, etc. near the Santa Clara Indian Reservation due to potentially uninvited access and possible illegal activities, (gathering, hunting, stealing, etc) on sensitive tribal lands. Please address these issues in the FEIS.

